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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,845	03/09/2001	Tomoyuki Hamada	500.39831X00	6289
20457	7590	07/28/2005		
ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER FISHER, MICHAEL J	
			ART UNIT 3629	PAPER NUMBER

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,845

Applicant(s)

HAMADA, TOMOYUKI

Examiner

Michael J. Fisher

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-8 and 10-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 2, in lines 3-16 is the limitation, "load predicting means... said elevator". These limitations cause a disagreement between the preamble and the body of the claims as the "load predicting means" is not used in helping to "select a termed... of an elevator" as claimed in the preamble.

Claims 3-8 and 10-14 are rejected as depending from a rejected claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 2-8 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,987,474 to Sandifer.

As to claim 2, Sandifer discloses a support system for a maintenance contract on regulatory equipment (title), including plan setup means (tables in cols 78 and 79), showing various options for plans (such as intervals of repair), which intervals of repair would be "at least one of component part replacement intervals", "check-up intervals" and "clean-up intervals" (under "Compliance Event File Structure"), a data base for maintenance plan computation (which data base would include the maintenance plan), the maintenance plan would meet the needs of the load of the airplane (as they are shown to be tied into hours operated, (cols 78-79 under "Compliance Event File Structure"), calculating one of said plurality of plans (inherent in that the plan is used), each set having a different failure occurrence probability (it would be inherent that different plans would have different "failure occurrence probability", whether calculated or not, as differing plans would have different intervals), and selecting means for the customer to select the correct plan (inherent in that the customer selects the plan they use).

Sandifer, does not, however specifically teach using the system for elevators or calculating the load of the elevator.

Sandifer does teach using the system for regulated equipment, (title), which group includes elevators. Further, it is very well known in the art to build elevators

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according to the expected loads. For instance, a building with high traffic would require a much more powerful elevator than one with very low traffic, it would be economically wasteful to build a large, more powerful elevator in a building with low traffic and it would be dangerous to build a smaller, less powerful elevator in a building with higher traffic. Such loading information would affect the type of elevator and this would affect the maintenance contract as differing elevators would require differing maintenance plans, thereby meeting the limitations as claimed.

As to claim 3, Sandifer discloses allowing existing users to enter ID code information (fig 5 shows requiring specific log-on information), a running record specific to the ID code (Gulfstream G-IV Library, fig 6), input means for inputting the code (fig 5), load computing means (hours traveled would be the "load") with a running record (table in cols 78 and 79), the plan setup means obtains a set of average replacement intervals (col 78, "Recurring Event Flag" and under "Inspections File Structure"). Sandifer does not, however, specifically mention "standard deviation of each one of... elevator...". It would have been obvious to one of ordinary skill in the art to calculate the standard deviation to ensure that the interval is correct to avoid possible, catastrophic failure of a part while the equipment is in use and carrying passengers (whether an elevator or airplane).

As to claims 4 and 5, while Sandifer does not specifically mention charging for services and parts, it would have been obvious to one of ordinary skill in the art to charge for repairs, this is how businesses stay in business, and further, to display the charges, including tariffs, to the customer so they can see their bill. Further, Sandifer

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discloses various tasks (tables in cols 81 and 82 labeled "Gamis Electronic Logbook Codes"), which tasks would include clean-up.

As to claims 6-8, 10-12, Sandifer discloses using a computer with display means (fig 1A). Further, it is very well known in the art for computers to be connected to the Internet. Therefore, it would have been obvious to one of ordinary skill in the art to modify the system as disclosed by Sandifer by using the Internet, with homepage, to allow for disparate users to access the system from different locations.

As to claims 13 and 14, it is very well known in the art to use similar structures as bases for predicting information. Therefore, it would have been obvious to one of ordinary skill in the art to look at similar buildings to predict the load for the elevator as similar buildings will have similar statistics and would ease the computation while giving more accurate data.

Response to Arguments

Applicant's arguments filed 4/12/05 have been fully considered but they are not persuasive. As previously noted, these arguments have been previously addressed. For instance, the prior art is used for regulatory equipment, which group would include elevators, thereby making the prior art used analogous art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Fisher whose telephone number is 571-272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

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The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF 

7/25/05


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